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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/581,756

06/05/2006

Shumin Li

42P22262

7131

45209

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09/01/2009

INTEL/BSTZ

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EXAMINER

PALADINI, ALBERT WILLIAM

ART UNIT

PAPER NUMBER

2836

MAIL DATE

DELIVERY MODE

09/01/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/581,756	Applicant(s) LI ET AL.	
	Examiner ALBERT W. PALADINI	Art Unit 2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

This discussion refers to lines 13-21 on page 7, which is a description of figure 2. Lines 13-18 state "For example, the system 200 may comprise a first unit that may output an AC input voltage, and produce an AC output voltage from a battery voltage in response to a failure of the AC input voltage; and a second unit that may produce a DC output voltage from the AC input voltage, and produce the DC output voltage from the battery voltage in response to the AC input voltage failure or being insufficient."

According to the description on lines 13-21, first unit 250 outputs an AC voltage to CRT Monitor, etc. Figure 2 also shows an AC voltage as an input to second unit 210. It is not clear which AC power is being monitored for failure. It is also not clear why first unit 250 is outputting an AC input voltage instead of an AC output voltage.

Appropriate correction and clarification is required.

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3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential circuit cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01.

Claim 1

Lines 2-3 recite a first unit that outputs an AC input voltage, and produces an AC output voltage from a battery voltage in response to a failure of the AC input voltage". From this recitation, the first unit is producing an AC input voltage, and when this AC input voltage from the first unit fails, the first unit then outputs an AC output voltage. This is confusing since the first unit appears to be producing an input voltage and an output voltage.

Lines 4-6 recite "a second unit that produces a DC output voltage from the AC input voltage, and produces the DC output voltage from the battery voltage in response to the AC input voltage failure. The second unit appears to be getting its AC input from the first unit, but according to lines 2-3 the first unit produces an output voltage when the AC input voltage from the first unit fails.

It is not clear how the first and second unit is connected and how the system operates.

Claim 8

Lines 3-5 recite “a converter that converts the first DC voltage into one or more DC outputs, and converts a battery voltage into one or more DC outputs in response to an absence of the AC input voltage.” There cannot be an absence of the AC input voltage, since lines 6-7 recite “an inverter that outputs the AC input voltage, and converts a battery voltage into an AC output voltage in response to the absence of the AC input voltage.”

Appropriate correction and clarification is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Yeh (5,347,164).

In order to expedite and avoid piecemeal prosecution, the following rejection is made to the extent that the claims are understood, by considering those elements which are understood and interpreting their function in a manner which is consistent with the recited goals of the claims, and then applying the best available art.

In figure 2 (C2, L33) to (C3, L46), Yeh discloses a system to apply power to a load which includes a first unit 85 which outputs an AC voltage, a second unit 25 which

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outputs a DC voltage, a battery and converter which provides outputs to both the first and second units in response to AC input 5 failure. Yeh includes a rectifier DC/DC converter 20, and a DC/AC inverter 83. The application to a "computing device" in the preamble need not given any patentable weight since there is nothing specific in the invention that adapts this circuit specifically to a "computing device." Paragraph 2111.02 of the Manual of Patenting Examining Procedure is given below.

2111.02 Weight of Preamble [R - 1]

>PREAMBLE IS NONLIMITING UNLESS IT BREATHES LIFE AND MEANING INTO
THE CLAIM

The preamble is not given the effect of a limitation unless it breathes life and meaning into the claim. In order to limit the claim, the preamble must be "essential to point out the invention defined by the claim." *Kropa v. Robie*, 88 USPQ 478, 481 (CCPA 1951) (discussed below). In claims directed to articles and apparatus, any phraseology in the preamble that limits the structure of that article or apparatus must be given weight. In *re Stencil*, 4 USPQ2d 1071 (Fed. Cir. 1987) (discussed below). On the other hand, a preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. In *re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) (process claims, discussed below); *Kropa v. Robie*, 88 USPQ 478, 481 (CCPA 1951) (claims directed to apparatus, products, chemical structure, etc.).

However, in C7, L312-37, Yeh does teach the application of his invention to a computer and computer monitor.

7. Claims 1-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Ulinski (6,700,802).

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In order to expedite and avoid piecemeal prosecution, the following rejection is made to the extent that the claims are understood, by considering those elements which are understood and interpreting their function in a manner which is consistent with the recited goals of the claims, and then applying the best available art.

In figure 1A (C3, L13) to (C8, L6) Ulinski discloses a system to supply power which includes a first unit 104 that outputs power to an AC load, a second unit 106 that provides power to a DC load 140, a back up battery pack 110 to supply power to both in response to failure of the input voltage 108, and AC inverter 118, and a bi directional power converter depicted in figure 2B. The application to a "computing device" in the preamble need not given any patentable weight since there is nothing specific in the invention that adapts this circuit specifically to a "computing device." Paragraph 2111.02 of the Manual of Patenting Examining Procedure is given below.

2111.02 Weight of Preamble [R - 1]

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USPQ 478, 481 (CCPA 1951) (claims directed to apparatus, products, chemical structure, etc.).

Relevant Prior Art

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gabrys (6,788,029) teaches the use of a flywheel motor/generator as a back up energy device used in the event of failure of the AC input voltage, and teaches the use of a flywheel motor/generator with an output regulator and rectifiers which provides power with high efficiency to both AC and DC power to devices such as a computer.

Ingemi (7,402,921) discloses a method and apparatus for providing positive and negative output voltages from a first and second input source. The circuit is designed to produce the first input from the second input sources if the first input source fails.

9. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Albert W. Paladini whose telephone number is 571-272-3748. The examiner can normally be reached from 7:00 AM to 3 PM on Monday, Tuesday, Thursday or Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rexford Barnie can be reached on 571-272-7492. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Albert W Paladini/
Primary Examiner, Art Unit 2836

8/28/09

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